

Handwritten mark



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,607	07/17/2000	Scott Burton	SA9-99-002	5675

29683 7590 07/28/2004
HARRINGTON & SMITH, LLP
4 RESEARCH DRIVE
SHELTON, CT 06484-6212

EXAMINER

BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
----------	--------------

2142

7

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten signature

Office Action Summary

Application No.

09/617,607

Applicant(s)

BURTON ET AL.

Examiner

Douglas B Blair

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 9, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 1, 9 and 15 recite the limitation "inhibiting said initiator from issuing said request" in each claim. There is no specific request defined in previously in each of these claims. The claims merely state that an initiator can issue a request. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-4, 7, 9-12 and 15-18 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Number 6,009,466 to Axberg et al..
6. As to claim 15, Axberg teaches a storage media including instructions for controlling a processor that, in turn, configures a computer network that includes a full duplex bi-directional first port and an initiator that can issue a request for said first port to assume a state (This state is

Art Unit: 2142

inherent to any SSA system according to the background of the Applicant's specification. See page 2, lines 1-10), wherein said first port, when in a first state is able to bi-directionally communicate with a full duplex bi-directional second port, wherein said first port, when in a second state is coupled to itself by having an output thereof coupled to an input thereof (This state is inherent to any SSA system according to the background of the Applicant's specification. See page 2, lines 1-10), said storage media comprising: means for controlling said processor to inhibit said initiator (col. 14, line 8-col. 15, line 34), means for controlling said processor to send data to said initiator describing a desired state of said first port (col. 14, line 8-col. 15, line 34), and means for controlling said processor to enable said initiator to issue said request for said first port to assume said desired state (col. 14, line 8-col. 15, line 34).

7. As to claim 16, Axberg teaches the storage media of claim 15, further comprising means for controlling said processor to receive data from said initiator describing an actual state of said first port (col. 14, line 8-col. 15, line 34).

8. As to claim 17, Axberg teaches the storage media of claim 16, further comprising means for controlling said processor to determine said desired state based on said actual state (col. 14, line 8-col. 15, line 34).

9. As to claim 18, Axberg teaches the storage media of claim 15, wherein said computer network includes a plurality of webs, and each of said plurality of webs includes a respective initiator and a respective full duplex bi-directional port (col. 14, line 8-col. 15, line 34).

10. As to claims 1-4 and 9-12, they feature the same limitations as claims 15-18 and are rejected for the same reasons as claims 15-18.

Art Unit: 2142

11. As to claim 7, Axberg teaches the method of claim 1, wherein said desired state is specified by a user (col. 14, line 8-col. 15, line 34).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 5-6, 8, 13-14, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,009,466 to Axberg in view of the paper "SSA: A High Performance Interface for Unparelled Connectivity" by Wilson.

14. As to claim 19, Axberg teaches the storage media of claim 15; however Axberg does not explicitly teach changing a number of webs in a network.

Wilson teaches a computer network in which a number of webs within the network can be changed (Section 1.3 Topologies).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Axberg regarding network configuration with the teachings of Wilson regarding a change the number of webs in a network because such changes allow for fault tolerance (Section 1. SSA Basics)

15. As to claim 20, Axberg teaches the storage media of claim 15; however Axberg does not explicitly teach enabling a set of initiators in a determined sequence.

Art Unit: 2142

Wilson teaches enabling a set of initiators in a determined sequence (section 2.3 adressing).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Axberg regarding network configuration with the teachings of Wilson regarding enabling a set of initiators in a determined sequence because such a setup allows for automatic configuration (section 1. SSA Basics).

16. As to claims 5-6 and 13-14, they feature the same limitations as claims 19 and 20 and are rejected for the same reasons as claims 19 and 20.

17. As to claim 8, Axberg teaches the method of claim 1, however Axberg does not explicitly teach a network that conforms to ANSI X3T10.1.

Wilson teaches a network that conforms to ANSI X3T10.1 (SSA).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Axberg regarding network configuration with the teachings of Wilson regarding ANSI X3T10.1 because SSA is functional alternative to IEEE 1394.

Response to Arguments

18. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Art Unit: 2142

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 703-305-5267. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

Douglas Blair
July 25, 2004

DBB

Hosain Alam

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER